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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/650,362      | 08/29/2000  | Julie J. Bennett     | 42390P9622          | 8226             |

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EXAMINER

WONG, LESLIE

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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2167

DATE MAILED: 11/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/650,362

**Applicant(s)**

BENNETT ET AL.

**Examiner**

Leslie Wong

**Art Unit**

2167

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 May 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-12,14-23 and 25-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-12,14-23 and 25-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Amendment*

1. Receipt of Applicant's Amendment, filed 27 May 2004, is acknowledged.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1, 3-12, 14-23, and 25-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Jacobi et al.** ("Jacobi") (U.S. Patent 6,317,222 B1) in view of **Yagasaki** (U.S. Patent 6,125,353 A).

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Regarding claims 1, 12, and 23, **Jacobi** teaches a method and an apparatus comprising:

- b). creating a plurality of categories, each category identifying an attribute (col. 1, lines 16-22 and 46-49);
  - c). associating products (i.e. books, CDs, or videos) having at least one attribute with at least one category (i.e., non-fictions, comedies) (col. 2, lines 46-49);
  - d). upon selection of a main product by a user in communication with the visual browser, automatically displaying a plurality of related products having at least one attribute in common with the main product that are selectable for purchase by the user (col. 10, lines 45 – 63; col. 7, lines 5-9; col. 4, lines 2-6).
- a). **Jacobi** does not explicitly teach upon a user logging on to a virtual store having a visual browser via a computer network, displaying a random assortment of products to the user associated with the virtual store without regard to a user profile.

**Yagasaki**, however, teaches 'upon a user logging on to a virtual store having a visual browser via a computer network, displaying a random assortment of products to the user associated with the virtual store without regard to a user profile' as a mall server which provides a *virtual* shopping mall on a network. The mall server classifies online products into a plurality of categories to help consumers to search for the desired products. The products that fall under the selected category are then displayed on the screen of customer's terminal (col. 1, lines 5-10; col. 2, lines 60-65; col. 1, lines 29-40; Fig. 7).

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It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of the cited references because **Yagasaki's** teaching would have allowed **Jacobi's** to enable customers to conduct a search for a set of products by designating a particular product category as a search key. Thus, the system provides any categories of products that are being offered by the stores participating in the virtual shopping mall for user's selection and purchase as suggested by **Yagasaki** at col. 1, lines 34-36; col. 2, lines 60-65; and abstract.

Regarding claims 3, 14, and 25, **Jacobi** further teaches a step comprising, displaying at least one other product that is not related by a category to the main product (col. 4, lines 2-6).

Regarding claims 4, 15, and 26, **Jacobi** further teaches a step comprising, assigning a weight bias to each category based upon a predefined importance of the respective category (col. 3, lines 23-27).

Regarding claims 5, 16, and 27, **Jacobi** further teaches a step comprising:

- a). determining "like" categories for the main product, a "like" category being a category that the main product is associated with (col. 8, lines 60-63);
- b). selecting one of the "like" categories (col. 10, line 63 – col. 11, line 2); and
- c). randomly selecting the at least one other related product from the selected "like" category (col. 5, lines 19-22).

Regarding claims 6, 17, and 28, **Jacobi** further teaches a step wherein selecting one of the "like" categories includes utilizing the weight biases for the categories in a randomly based selection algorithm to select one of the "like" categories (col. 8, lines 28-39).

Regarding claims 7, 18, and 29, **Jacobi** further teaches a step comprising:

- a). determining "dislike" categories for the main product, a "dislike" category being a category that the main product is not associated with (col. 15, lines 58-62);
- b). selecting one of the "dislike" categories utilizing the weight biases for the categories in a randomly based selection algorithm (col. 5, lines 19-31); and
- c). randomly selecting at least one other product from the selected "dislike" category (col. 5, lines 19-31).

Regarding claims 8, 19, and 30, **Jacobi** further teaches a step comprising:

- a). selecting a category from the plurality of categories utilizing the weight biases of the categories in a randomly based selection algorithm (col. 14, lines 36-48); and
- b). randomly selecting a product from the selected category (col. 5, lines 19-22).

Regarding claims 9, 20, and 31, **Jacobi** further teaches a step comprising:

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a). scoring each product based upon weight biases of "like" categories (Fig. 5, element 180) and "dislike" categories (Fig. 5, element 190), a "like" category being a category that the main product is associated with, a "dislike" category being a category that the main product is not associated with, a weight bias being a predefined value assigned to each respective category to denote the respective category's importance (col. 8, lines 28-38);

b). creating a "like" score table, the "like" score table including a "like" score for each of the products indicating the relatedness of the product to the main product (Fig. 1, element 60); and

c). randomly selecting the at least one other related product from the "like" score table using the "like" scores as a weight bias (col. 12, lines 61-65).

Regarding claims 10, 21, and 32, **Jacobi** further teaches a step comprising:

a). creating a "dislike" score table, the "dislike" score table including a "dislike" score for each product indicating the unrelatedness of the product to the main product, the "dislike" score table being the transposition of the "like score table" (col. 8, lines 28-39); and

b). randomly selecting at least one other product from the "dislike" score table using the "dislike" scores as a weight bias (col. 5, lines 19-31).

Regarding claims 11, 22, and 33, **Jacobi** further teaches a step of selecting at least one other product at random from one of the plurality of categories (col. 5, lines 19-22).

### ***Response to Argument***

4. Applicant's arguments with respect to claims 1, 3-12, 14-23, and 25-33 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.



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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leslie Wong whose telephone number is (571) 272-4120. The examiner can normally be reached on Monday to Friday 9:30am - 6:30 pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Leslie Wong  
Patent Examiner  
Art Unit 2167

LW  
November 22, 2004

  
Primary Examiner